

**REMARKS**

In accordance with the forgoing, claims 1, 4, 6, 8, 10 and 13 have been amended. Claims 1-15 are pending and under consideration.

**I. Objections to the Drawings**

The drawings stand objected to for including handwritten characters. New formal drawings have been filed herewith. Accordingly, it is respectfully requested that the objection be withdrawn.

**II. Objections to the Claims**

Claims 6 and 10 stand objected to for failing to particularly point out and distinctly claim the subject matter which the applicant regards as the invention. Claims 6 and 10 have been amended to more clearly set forth "an iris" and "a retina". Accordingly, withdrawal of the objection is respectfully submitted.

**III. Rejections Under 35 USC § 103**

Claims 1-15 stand rejected under 35 USC § 103(a) as being unpatentable over various combinations of U.S. Patent No. 5,456,692 to Smith, Jr. et al. ("Smith"), U.S. Patent No. 4,993,068 to Piosenka ("Piosenka"), U.S. Patent No. 5,787,185 to Clayden ("Clayden"), and U.S. Patent No. 6,132,363 to Freed et al. ("Freed"). The Examiner's rejections are respectfully traversed.

The present invention is directed to a user recognition system to identify a user and enable access to instruments associated with an implanted medical device that includes an analyzer unit determining whether a potential user is authorized to have access to data communications of the instrument, wherein, in response to the potential user not being authorized to have access, the analyzer unit determines whether the potential user is requesting access associated with an override function. None of the referenced prior art documents, alone or in combination, teach or suggest such a feature. Accordingly, it is respectfully requested that the rejection of the claims be withdrawn.

**IV. Conclusion**

There being no further outstanding objections or rejections, it is submitted that the application is in condition for allowance. An early action to that effect is courteously solicited.

Finally, if there are any formal matters remaining after this Amendment, the Examiner is requested to telephone the undersigned attorney to attend to those matters.

Respectfully submitted,

Timothy Joseph Nichols, et al.

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Date



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